

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL ACTION NO. 2:03-00174-02

ANTHONY CLAYTON ROBERTS

SUPERVISED RELEASE REVOCATION AND JUDGMENT ORDER
MEMORANDUM OPINION AND ORDER

On November 2, 2015, the United States of America appeared by C. Haley Bunn, Assistant United States Attorney, and the defendant, Anthony Clayton Roberts, appeared in person and by his counsel, Gary A. Collias, for a hearing on the petition on supervised release and amendment thereto submitted by United States Probation Officer Douglas W. Smith. The defendant commenced a thirty-month term of supervised release in this action on July 29, 2014, as more fully set forth in the Supervised Release Revocation and Judgment Order entered by the court on January 24, 2014.

The court heard the admissions of the defendant and the representations and argument of counsel.

For reasons noted on the record of this proceeding, which are ORDERED incorporated herein by reference, the court found that the defendant has violated the conditions of supervised release in the following respects: (1) the defendant used and possessed controlled substances as evidenced by his admission to the probation officer on August 6, 2014, that he had nasally ingested methamphetamine on August 1, 2014; a positive urine specimen submitted by him on August 14, 2014, for amphetamine and methamphetamine, the defendant having admitted to the probation officer at that time that he had used methamphetamine on August 12, 2014; a positive urine specimen submitted by him on April 14, 2014, for methamphetamine, the defendant having admitted to the probation officer that he had used methamphetamine and marijuana; the defendant's admission to the probation officer on August 12, 2015, that he had used marijuana, methamphetamine and Xanax without a valid prescription on August 11, 2015; a positive urine specimen submitted by him on August 20, 2015, for methamphetamine and amphetamine, the defendant having admitted at that time that he used methamphetamine, marijuana and Xanax without a valid prescription on August 19, 2015; and the defendant's admission to the probation officer on September 28, 2015, that he had used

methamphetamine and marijuana on September 17, 2015; (2) the defendant failed to participate in the detoxification program at Highland Hospital inasmuch as he did not complete the phone interview as directed by the probation officer on August 12, 2015, and failed to report to the probation office to complete referral paperwork for longer term treatment programs on August 14, 2015; (3) the defendant failed to provide urine specimens on July 2 and 23, August 5, 13, 24 and 31, 2015; and (4) the defendant failed to participate in individual substance abuse counseling sessions as directed inasmuch as he was referred to the program by the probation officer on July 27, 2015, and he failed to contact Pyramid to arrange treatment sessions; all as admitted by the defendant on the record of the hearing and as set forth in the petition on supervised release and amendment thereto.

And the court finding, as more fully set forth on the record of the hearing, that the violations warrant revocation of supervised release and, further, that it would unduly depreciate the seriousness of the violations if supervised release were not revoked, it is ORDERED that the supervised release previously

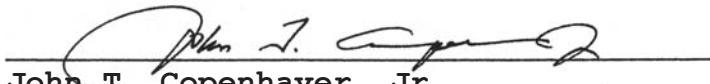
imposed upon the defendant in this action be, and it hereby is,
revoked.

And the court having complied with the requirements of Rule 32(a)(1)(B) and (C) of the Federal Rules of Criminal Procedure, and finding, after considering the factors set forth in 18 U.S.C. § 3583(e), that the defendant should be confined to the extent set forth below, it is accordingly ORDERED that the defendant be, and he hereby is, committed to the custody of the United States Bureau of Prisons for imprisonment for a period of SIX (6) MONTHS, to be followed by a term of twenty-four (24) months of supervised release upon the standard conditions of supervised release now in effect in this district by order entered June 22, 2007, and the further condition that the defendant not commit another federal, state or local crime and the special condition that he spend a period of six (6) months in a community confinement center commencing immediately upon his release from imprisonment, follow the rules and regulations of the facility and participate in drug abuse counseling and treatment. The defendant shall continue to participate in drug abuse counseling and treatment once released from community confinement as directed by the probation officer.

The defendant was remanded to the custody of the United States Marshal.

The Clerk is directed to forward copies of this written opinion and order to the defendant, all counsel of record, the United States Probation Department, and the United States Marshal.

DATED: November 13, 2015


John T. Copenhaver, Jr.
United States District Judge